IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL WRIT PETITION NO.92 OF 2005

Mohamed Akhtar Hussein
Nizamuddin & Anr. .... Petitioners
Vs.
State of Maharashtra & Ors. .... Respondents

Shri K.R. Tiwari i/b M/s. K.R. Tiwari & Co. for the Petitioners.

Ms P.H. Kantharia, A.P.P., for the Respondents.

CORAM: R.M.S. KHANDEPARKAR &
P.V. KAKADE, JJ.

DATED: JANUARY 18, 2005

P.C:

Heard. The grievance of the petitioners is that various properties are being encroached upon and illegal constructions are being carried out and inspite of complaints in that regard to the concerned authorities, no action is being taken against the encroachers and the persons carrying out the illegal constructions and, on the contrary, action is sought to be taken against the petitioners and therefore direction should be issued to the respondents to inquire into the complaints filed by the petitioners in relation to the alleged encroachments and the illegal constructions. In the entire petition, the petitioners have nowhere described any of such alleged encroachments or the illegal constructions. No

details regarding the alleged encroachments and the illegal constructions have been disclosed in the petition. The petitioners have not disclosed in what manner the petitioners are aggrieved by the alleged encroachments and the illegal constructions. Undisputedly, the action which is sought to be taken with reference to the petitioners' activities relate to the allegations of encroachments and the illegal constructions by the petitioners. Being so, the question of stalling any investigation against the petitioners does not arise at all. In case the petitioners are aggrieved by the inaction on the part of the respondent-authorities in relation to the complaints filed by the petitioners, nothing prevents the petitioners from approaching the Magistrate with a proper complaint. Being so, there is no case for interference in writ jurisdiction for the reasons stated above. Hence the petition is rejected.

(R.M.S. Khandeparkar, J.)

(P.V. Kakade, J.)